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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,419	10/06/2000	Nobuhiro Suetsugu	Q60879	1278

7590

09/24/2003

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EXAMINER

NGUYEN, NHON D

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/680,419

Applicant(s)

SUETSUGU ET AL.

Examiner

Nhon (Gary) D Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/680419.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Abstracts***

1. The abstract of the disclosure is objected to because Extensive mechanical and design details of apparatus should not be given (*ST30*, *ST3*, *ST5*, *ST6* in lines 10 and 11, and *ST1* in line 12). Correction is required. See MPEP § 608.01(b).

### ***Drawings***

2. Figures 12, 19-25 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the display drafting information" in line 5. There is insufficient antecedent basis for this limitation in the claim.

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Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 2 recites the limitation "the device selection information" in line 11. There is insufficient antecedent basis for this limitation in the claim.

The scope of claim 6 is presented in a difficult way to understand and to interpret. Due to this rejection, this claim was not treated on the merits.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art (fig. 20 – fig. 23).

As per independent claim 1, Applicant's admitted prior art teaches a display drafting apparatus comprising:

means for selecting a device of a controller for use (fig. 20 and fig. 21, page 4, lines 16-17), and

means for setting up the display drafting information such as a display component (fig. 20, page 3, lines 20-22), a display mode (fig. 21, page 4, line 18) and a display function for said selected device (fig. 21, page 4, lines 18-19).

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As per claim 3, which is dependent on claim 1, Applicant's admitted prior art teaches the display drafting apparatus according to claim 1, additionally having a function of a control program schema generator for said controller therein (page 2, lines 2-7), further comprising:

means for allowing the device selection information for said controller selected and created by said device selecting means to be used with said control program schema generator (fig. 22, page 2, lines 8-10).

As per claim 4, which is dependent on claim 3, Applicant's admitted prior art teaches the display drafting apparatus according to claim 3, further comprising:

means for appending a comment to the device of said controller selected by said device selecting means, and means for sharing the appended comment between said display drafting apparatus and said control program schema generator (fig. 22, page 2, lines 14-16).

As per claim 5, which is dependent on claim 1, Applicant's admitted prior art teaches the display drafting apparatus according to claim 1, further comprising:

control program schema generating means for said controller, and means for allowing the use of the device selection information for said controller selected and created by said device selecting means, when a program schema is generated by said generating means (fig. 22 and fig. 23, page 2, line 17 – page 3, line 1).

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and further in view of Tsushima et al. ("Tsushima", US 5,999,213).

As per claim 2, which is dependent on claim 1, Applicant's admitted prior art does not disclose the display drafting apparatus comprising means for saving only the device selection information for the controller selected and created by said device selecting means, wherein the device selection information can be saved, even if said selected device is a device for which the display drafting information is not set up. Tsushima discloses internal device information other than data handle by a setup parameter file is saved (col. 31, lines 34-36). It would have been obvious to an artisan at the time of the invention to use the teaching from Tsushima of saving device information even if setup parameter file is not provided in applicant's admitted prior art's system since it would allow a user to save device information independently without waiting for the device to be setup.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5548707 A to LoNegro, Rene et al. discloses method and system for design and drafting.

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US 6256595 B1 to Schwalb, Edward et al. discloses apparatus and method for manually selecting, displaying, and repositioning dimensions of a part model.

US 6232985 B1 to Chase, Kurt Philip et al. discloses interactive, dynamic, automatic dimension arrangement generator for computer-aided drafting programs.

### ***Inquiries***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhon (Gary) Nguyen  
September 8, 2003

  
KRISTINE KINCAID  
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